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that the bailee should be liable for such use as he has received, with a counterclaim for any damages he might have suffered from the wrongful taking. However, it is held that such a contract is entire; and upon breach by the bailor, he forfeits his rights to the whole rent. *Harris v. Maury*, 30 Ala. 679.

CARRIERS—SHIPPING CONTRACT—WAIVER.—The provisions of a shipping contract provided for the filing of a certain form of notice, within a definite time, in case the consignment was damaged. On the damage of the shipment the consignor filed a defective notice, to which the carrier did not object. *Held*, the carrier waived notice by the contract form. *St. Louis I. M. & S. R. Co. v. Laser Grain Co.* (Ark.), 179 S. W. 189. See 2 VA. L. REV. 68.

CONSTITUTIONAL LAW—PARDONS—SUSPENSION OF SENTENCE.—A statute authorized a court, at its discretion, to suspend any sentence imposed upon persons convicted of felony, on such conditions as it may deem proper. *Held*, such a statute is not an encroachment upon the constitutional power of the executive to grant pardons and reprieves. *Ex parte Bates* (N. M.), 151 Pac. 698.

The power of a court to suspend the imposition of a sentence temporarily to afford time for motions for new trials, appeals, or for any good cause has never been doubted; and it is generally recognized that the power of the court also extends to the temporary suspension of the execution of the sentence. See *United States v. Wilson*, 46 Fed. 748; *People v. Brown*, 54 Mich. 15, 19 N. W. 571; 4 BL. COMM. 394.

The power of a court to suspend sentence indefinitely has been considered by some state authorities as inherent in the courts at common law. See *People v. Court of Sessions*, 141 N. Y. 288, 36 N. E. 386, 23 L. R. A. 856; *Com. v. Dowdican's Bail*, 115 Mass. 133; *State v. Addy*, 43 N. J. L. 113, 39 Am. Rep. 547. Either guided by the conclusion that the power to suspend sentence indefinitely never existed in the courts and is therefore an unwarranted exercise of executive authority, or that if this power did exist at common law, it is taken away by the exclusive constitutional grant to the executive of the power of pardon and reprieve, a number of courts have adopted the contrary view, holding that the exercise of such authority by the judiciary is unconstitutional and all acts performed under it are void. *United States v. Wilson*, *supra*; *People v. Barrett*, 202 Ill. 287, 67 N. E. 23, 95 Am. St. Rep. 230, 63 L. R. A. 82; *Neal v. State*, 104 Ga. 509, 30 S. E. 858, 42 L. R. A. 190; *State v. Abbott*, 87 S. C. 466, 70 S. E. 6, 33 L. R. A. (N. S.) 112, 23 Ann. Cas. 1189. It is explained by some authorities that such a power did exist under the old common law, when there was no right of appeal and which was necessary to the preservation of justice, but since the reason for the rule never existed in this country no such power could be claimed by the courts. See *Spencer v. State*, 125 Tenn. 64, 140 S. W. 597; *Snodgrass v. State* (Tex. Crim. App.), 150 S. W. 162, 41 L. R. A. (N. S.) 1144. Arbitrary reprieves, granted by the judges in cases of necessity, seem to have been recognized under the old common law by usage rather than by strict right. See 4 BL. COMM. 394.